

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HAROLD TYLER LOPA,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 2:22-cv-01609-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PAY THE FILING FEE AND
FAILURE TO COMPLY WITH COURT
ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On October 4, 2022, I ordered plaintiff to submit, within thirty days, either the \$402 filing fee or an application to proceed *in forma pauperis*. ECF No. 7. Plaintiff failed to respond to that order. Accordingly, on December 14, 2022, I ordered plaintiff to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 8. I also warned him that failure to respond to the order would result in a recommendation that this action be dismissed without prejudice. *Id.* To date, plaintiff has not submitted the required filing fee nor otherwise responded to the December 14, 2022 order.¹

Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case.

¹ Although it appears from the file that plaintiff's copy of the October 4 and December 14 orders were returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 Further, it is RECOMMENDED that this action be dismissed without prejudice for failure
2 to pay the required filing fee and failure to comply with court orders.

3 I submit these findings and recommendations to the district judge under
4 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States
5 District Court, Eastern District of California. The parties may, within 14 days of the service of
6 the findings and recommendations, file written objections to the findings and recommendations
7 with the court. Such objections should be captioned “Objections to Magistrate Judge’s Findings
8 and Recommendations.” The district judge will review the findings and recommendations under
9 28 U.S.C. § 636(b)(1)(C).

10
11 IT IS SO ORDERED.

12 Dated: January 19, 2023

13 
14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28